

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GREENLINE CAPITAL PARTNERS I,
LLC, a limited liability company,

Plaintiff,

Case No. 06-C-403

v.

DUERSON FOODS, LLC, a limited
liability company, ASSOCIATED BANK
CHICAGO, an Illinois state banking
Association, SMURFIT-STONE
CONTAINER ENTERPRISES, INC.
a/k/a SMURFIT STONE CONTAINER
CORPORATION, a corporation, and
GENERAL PARTS, INC., a corporation,

Defendants.

OPINION AND ORDER

Plaintiff, Greenline Capital Partners I, LLC, has filed an Ancillary Complaint seeking judicial foreclosure, replevin, appointment of a receiver, and injunctive relief. This action arises out of a collection action which was venued in the United States District Court for the Northern District of California. See Ancillary Complaint at Exhibit A. In that case, the Plaintiff claimed diversity jurisdiction. See 28 U.S.C. § 1332. However, neither the California Complaint nor the Ancillary Complaint filed in this court contains the names and states of citizenship of each member of the limited liability companies which are parties. The record must contain this information so that the court can determine whether recusal is necessary and whether it has subject matter jurisdiction. Both the Ninth Circuit and the Seventh Circuit have ruled

that, for purposes of diversity jurisdiction, a limited liability company is a citizen of every state of which its owners or members are citizens. See Johnson v. Columbia Properties Anchorage, L.P., 437 F.3d 894, 899 (9th Cir. 2006); Cosgrove v. Bartollata, 150 F.3d 729, 731(7th Cir. 1998).

Accordingly, in order to provide the court with a basis for determining subject matter jurisdiction, the court ORDERS that, within eleven days of the date of this Order, the Plaintiff shall serve and file an Amended Ancillary Complaint setting forth the names and citizenship of all limited liability company owners or members. At the same time, the Plaintiff shall also file a copy of the complete docket of the California action.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 6th day of April, 2006.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge